

SENATE BILL 2005
By Womack

AN ACT to amend Chapter 429 of the Private Acts of 1931; as amended by Chapter 30 of the Private Acts of 1967; Chapter 104 of the Private Acts of 1993; and any other acts amendatory thereto, relative to hearings conducted by the Disciplinary Review Board of the City of Murfreesboro.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Chapter 429 of the Private Acts of 1931; as amended by Chapter 30 of the Private Acts of 1967; and Chapter 104 of the Private Acts of 1993; and any other acts amendatory thereto, is further amended by designating the present subsection (d) in Section 36 as subdivision (d)(1) and by adding the following language as a new subdivision (d)(2):

(d)(2)(A) If the Disciplinary Review Board determines that a contested personnel case involves complicated issues of law or is likely to require more than five (5) hours of testimony, the Disciplinary Review Board may appoint a Hearing Officer to hear such case. The Hearing Officer shall be a licensed attorney who shall be compensated at an hourly rate, which rate shall be uniform and not changed by the City Council more than one (1) time per year.

(B) Such hearings on contested personnel cases shall be conducted in accordance with Tennessee Code Annotated, §§ 4-5-301 through § 4-5-319, except that: (i) any reference therein to "administrative judge or hearing officer employed in the office of the secretary of state" or similar language shall mean a licensed attorney as described in Section 36(d)(2)(A); (ii) the Hearing Officer or any substitute therefor shall be appointed by the Disciplinary Review Board rather than the Governor; (iii) subpoenas

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may be issued by the Hearing Officer, Chairperson of the Disciplinary Review Board or City Treasurer; and (iv) in addition to the record provided for in Tennessee Code Annotated, §4-5-319, when reasonably possible in the sole discretion of the Hearing Officer, the testimony shall also be videotaped.

SECTION 2. Chapter 429 of the Private Acts of 1931; as amended by Chapter 30 of the Private Acts of 1967; and Chapter 104 of the Private Acts of 1993; and any other acts amendatory thereto, is further amended in Section 36 by deleting subsection (f) in its entirety and by substituting instead the following language:

(f) The judgment and findings of the board, or a hearing officer appointed by the board pursuant to subdivision (d)(2), upon hearing on specification of charges against any employee shall be final and shall be subject to review only for illegality or want of jurisdiction, except that any employee whose dismissal had been ordered or sustained by judgment of the board or a hearing officer appointed by the board may, within sixty (60) days after the entry of the board's or hearing officer's final order, file a petition for review in the Chancery Court of Rutherford County, Tennessee, where the case may be heard DE NOVO solely upon the certified record. In cases of alleged irregularities in procedure before the board or a hearing officer not indicated in the record, proof of such alleged irregularities may be taken in court.

SECTION 3. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of the City of Murfreesboro. Its approval or nonapproval shall be proclaimed by the presiding officer of the legislative body of the City of Murfreesboro and certified to the secretary of state.

SECTION 4. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective upon being approved as provided in Section 3.